

Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,632	12/04/2003	Yasuyoshi Serizawa	Q78795	5720
23373	7590	04/23/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LEE, KYUNG S	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 18-38 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119


- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/212,811.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

4) ☐ Interview Summary (PTO-413)


A42832
4/18/04

DETAILED ACTION

Claims 18-38 are currently pending. Claim 37 requires a period after "wheel".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 18-20 and 30-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki et al. (6,198,060).

Yamazaki et al. teaches a flexible switch, comprising:

an adhesive sheet 42 (fig. 3);

a first circuit member 31, on the sheet 42, and having a first electrode 31a;

a first spacer 32, on the first circuit member 31, and having a first through hole (please see fig. 3; no reference number);

a second circuit member 33, on the first spacer 32, and having a second electrode 34 situated to correspond to the first electrode 31a;

a second spacer 39, on the second circuit member 33, and having a second through hole (please see fig. 3);

a front sheet 38 (comprising at least of 38 and 40), on the second spacer 39, and having a projected portion corresponding to the second electrode;

wherein the projected portion through the second hole depresses the second electrode to the first electrode; and

at least one of the layers (38, 40, 39, 37 or 33) has flexibility.

Regarding claim 19, the second circuit member 33 has an elastic member 37.

Regarding claim 20, projected portion 40a has a hemispheric shape.

Regarding claims 30 and 33, the front sheet is transparent (col. 3, line 17, and col. 4, lines 27-28). Further, since Yamazaki et al.'s switch is used for portable phone, there is at least one ornamented portion (col. 2, line 18).

Regarding claim 31, the front sheet includes a compatible appearance portion, see fig. 3.

Regarding claim 32, the front sheet includes flat member above the layer 39, please see fig. 3.

Regarding claim 34, the coating layer 38 of synthetic resin (col. 3, line 12).

Regarding claims 35 and 36, see the layers 38 and 40 in fig. 3 of Yamazaki et al.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-28 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. in view of Van Zeeland (6,069,552; Applicant submitted).

Regarding claim 21 and 22, Yamazaki et al. teaches the claimed invention except for specifically showing an external connection member for electrically connecting the circuit member. Van Zeeland teaches a flexible switch having external connection members 54 and 66 for (please see fig. 3) for providing electrical connection to the first and second circuit members 48 and 62, respectively. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the switch device of Yamazaki et al. with external connection member of Van Zeeland since the connection member of Van Zeeland would provide electrical connections to the flexible switch of Yamazaki et al. Further, since Yamazaki et al.'s switch is not a stand-alone device, it would obviously require power from an outside source.

Regarding claims 23-28 and 37, Yamazaki et al. and Van Zeeland teaches the claimed invention as to the connection structure of the flexible switch. Nonetheless, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be connected to a power source does not differential the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex. Parte. Masham, 2 USPQ 1647.*

Regarding claim 38 Van Zeeland discloses a bezel front sheet 26

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. in view of Kaufman et al. (5, 674,018).

Yamazaki et al. teaches the claimed invention except for a second face of the adhesive sheet being covered with a release paper sheet. Kaufman et al. teaches providing a release paper sheet for an adhesive layer to protect it (col. 3, line 45) until ready for assembling. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the flexible switch of Yamazaki et al. with a release paper as taught by Kaufman et al. since the release paper of Kaufman et al. would protect an adhesive layer until assembly.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard K. Lee whose telephone number is (571) 272-1994. The examiner can normally be reached on M-TU TH-F 5:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard K. Lee
Examiner
Art Unit 2832

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4/18/04

